

MEMORANDUM ENDORSED

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/2/2022

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May 2, 2022

BY ECF and E-Mail

Honorable Gregory H. Woods
United States District Judge
United States District Court for the Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Glass, et al. v. The City of New York Police Department, et al.,
21 CV 10084 (GHW)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department, counsel for defendant City of New York (hereinafter “defendant”) in the above-referenced case. Defendant writes to respectfully request that the Court vacate its April 29, 2022 Order granting plaintiffs’ motion for an Initial Conference and to remove the instant action from participation in Local Rule 83.10. *See Civil Docket Sheet Entry No. 13.*

By way of background, the Court marked this case for inclusion in the Plan on November 29, 2021. On April 28, 2022, plaintiffs requested that the Court remove the matter from participation in the Plan and schedule the matter for an Initial Conference, noting defendant’s objection. *See Civil Docket Sheet Entry No. 11.* On May 2, 2022, defendant filed its opposition to plaintiffs’ request outlining the reasons why plaintiffs’ request to remove the above-mentioned matter from the Plan based on an alleged delay was, *inter alia*, (1) inapplicable as any delay to the progress of this matter is attributable to plaintiffs, (2) not persuasive as a matter of law, and (3) otherwise premature. *See Civil Docket Sheet Entry No. 12.* Following the filing of defendant’s opposition, an ECF notification was received indicating that Your Honor had issued an Order granting plaintiff’s request on April 29, 2022. *See Civil Docket Sheet Entry No. 13.*

Importantly, the Court’s April 29, 2022 Order did not consider defendants’ May 2, 2022 opposition or the evidence presented in that submission. *See Civil Docket Sheet No. 12.*

Without the benefit of the Court's consideration of the factual and legal evidence available in defendant's opposition, the Court was unable to consider how each of the matters cited to by plaintiffs were distinguishable from the instant action and any alleged delay was not attributable to Defendant City.

In light of the fact that Court did not have the opportunity to consider defendant's position prior to granting plaintiffs' request to remove the instant action from the Plan and defendant was not otherwise informed of the Court's ruling prior to the filing of its opposition to plaintiff's motion, defendant now requests that the Court consider its filing from today. When properly considered, defendant respectfully submits that it would be appropriate for Your Honor to vacate its April 29, 2022 Order on plaintiff's motion for removal from the Plan based on Defendant's previously filed May 2, 2022 opposition. *See* Civil Docket Sheet Entry No. 12.

Defendant City thanks the Court for its time and reconsideration.

Respectfully submitted,

Elida M. Alfaro

Elida M. Alfaro
Assistant Corporation Counsel

cc: **VIA ECF**

Vikrant Pawar, Esq.

APPLICATION DENIED
SO ORDERED.

Dated: May 2, 2022
New York, New York



GREGORY H. WOODS
United States District Judge